

## CHAPTER 18

### SUBDIVISION CODE

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### **18.01 PURPOSE.**

The purpose of this chapter is to promote the public health, safety and general welfare of the community and these regulations are designed to lessen the congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration among other things of the character of the Village with a view of conserving the value of buildings placed upon land, provided the best possible environment for human habitation and for encouraging the most appropriate use of land throughout the Village.

### **18.02 GENERAL.**

Any division of land within the Village or its extraterritorial plat approval jurisdiction which results in a subdivision as defined herein shall be, and any other division may be, surveyed and a plat thereof approved and recorded as required by this chapter and Ch. 236, Wis. Stats.

### **18.03 DEFINITIONS.**

**MAJOR STREET.** A street which is used principally for fast or heavy traffic.

**SUBDIVISION.** A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development where:

- (a) The act of division creates 5 or more parcels or building sites of 1½ acres each or less in area; or
- (b) Five or more parcels or building sites of 1½ acres each or less in area are created by successive divisions within a period of 5 yrs.

### **18.04 PROCEDURE.**

#### **(1) PRELIMINARY PLAT.**

- (a) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat and such copies as shall be required to the Plan Commission for preliminary approval.

- (b) After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall within 40 days of its submission approve, approve conditionally or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.
- (c) Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.

(2) FINAL PLAT.

- (a) The final plat and such copies as shall be required shall be submitted within 6 months of the approval of the preliminary plat. However, if approval of the preliminary plat must be obtained from another approving authority subsequent to approval by the Plan Commission, the final plat shall be submitted within 6 months of such approval. The Plan Commission may waive failure to comply with this requirement.
- (b) The Plan Commission shall approve or reject the final plat within 60 days of its submission unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Plan Commission meeting, a copy thereof or a written statement of such reasons shall be supplied to the subdivider.
- (c) If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Plan Commission will be inscribed on the original of the final plat, the surveyor or the subdivider shall certify the respects in which the original of the final plat differs from the true copy and all modifications must first be approved.

**18.05 GENERAL REQUIREMENTS AND DESIGN STANDARDS.**

- (1) GENERAL. The proposed subdivision shall conform to the following:
  - (a) The provisions of Ch. 236, Wis. Stats.
  - (b) All applicable ordinances of the Village.

- (c) The rules of the State Department of Commerce relating to lot size and lot elevation, if the subdivider is not served by a public sewer and provision for such service has not been made.
- (d) The rules of the State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets, if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.

(2) STREETS.

- (a) General Considerations. Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety and in appropriate relation to the proposed uses of the land to be served by such streets.
- (b) Width. The width and location of all streets shall be in conformity with the official map of the Village.
- (c) Grades. The grade of streets shall not exceed 8% unless necessitated by topography and approved by the Plan Commission.
- (d) Alignment and Visibility. There shall be a minimum sight distance with clear visibility along the centerline of all major streets of not less than 300’.
- (e) Dead End Streets. Dead end streets, cul-de-sacs or streets designed to have one end permanently closed shall not exceed 500’ in length and shall terminate with a turnaround of not less than 100’ in diameter.

(3) INTERSECTIONS.

- (a) Where streets intersect and cross major streets, their alignment shall be continuous and street jogs or off-center intersections shall be avoided.
- (b) Streets shall intersect as nearly as possible at right angles.
- (c) Not more than 2 streets shall intersect at one point unless approved by the Plan Commission.

- (4) ALLEYS. Alleys shall not be less than 24’ wide and shall be continuous through blocks. Alleys shall not be used in residential areas unless approved by the Plan Commission.

- (5) **EASEMENTS.** Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least 10' wide and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line the width of the easement in each lot can be added together to meet the width requirement.
- (6) **BLOCKS.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated. Block lengths in residential areas shall not be more than 1,500' nor less than 400' between street lines. Pedestrian crosswalks of not less than 10' wide may be required by the Plan Commission through the center of blocks more than 900' in length where deemed essential to provide circulation and access to community facilities.
- (7) **LOTS.**
- (a) In General. The size, shape and facing of lots and the minimum buildings setback lines shall be appropriate for the topography of the subdivision and for the type of development and use contemplated.
- (b) Lot Dimensions.
1. Residential lots shall have a minimum area of 9,000-sq. ft. and a minimum width of 75' at the building line.
  2. Residential lots to be served by private sewage disposal facilities shall comply with the rules and regulations of the State Department of Industry, Labor and Human Relations.
  3. Residential lots fronting on major streets should be platted with extra depth to permit generous distances between the buildings and such streets.
- (c) Corner Lots. Corner lots for residential use shall have a width sufficient to provide a full setback from both streets as required by zoning ordinances.
- (d) Access to Public Street. Every lot shall front or abut on a public street.
- (e) Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
- (f) Large Lots. A tract subdivided into parcels containing one or more acres shall be arranged to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of these subdivision standards.

- (g) Municipal Boundaries. Lots shall follow municipal boundary lines whenever practicable rather than cross them.

#### **18.06 REQUIRED IMPROVEMENTS**

- (1) **MONUMENTS**. The subdivision shall be monumented as required by §236.15, Wis. Stats., which is hereby adopted by reference.
- (2) **STREETS AND UTILITIES**. Before a final plat of a subdivision located within the corporate limits of the Village shall be approved, the subdivider shall enter into a subdivision control contract with the Village, whereby the subdivider shall agree to pay for the installation of the following listed improvements:
  - (a) Water and sanitary sewer mains and laterals to the lot lines to service such subdivision.
  - (b) Concrete sidewalks, curbs and gutters, ramps and driveways within the street right-of-way installed in accord with specifications in effect in the Village at the time of installation of the same.
  - (c) All streets and alleys in the subdivision graded and constructed with a bituminous concrete surface acceptable to the Village constructed in accord with specifications for street and alley construction in effect in the Village at the time of installation. All street construction shall be done only after installation of sanitary and storm sewer and water mains, laterals and appurtenances required to be installed by the subdivider and after adequate compaction has occurred to provide a firm base for street construction.
  - (d) Storm sewers of a size adequate to provide for drainage of surface waters from within and through the subdivision to a proper outlet. If the Village Board determines that it is not then feasible or compatible with a comprehensive drainage plan to install storm sewers within the subdivision at such time, the Village Board shall require that the subdivider, in lieu of installing such storm sewers, pay to the Village a fee equal to \$15 per front foot of all lots within such subdivision fronting upon public streets. However, if any lots within a subdivision are in excess of 9,000 sq. ft. in size, the subdivider shall pay as to each of such lots a fee equal to \$15 per front foot or \$15 times 1/150th of the total square footage of such lot, whichever is the greater. All such fees shall be held by the Village Clerk/Treasurer in a separate fund to be used solely for the purposes of site and right-of-way acquisition and capital improvements in connection with installing storm sewers in, to and from such subdivisions to provide storm drainage for such subdivisions.

- (e) If the subdivision is traversed by a watercourse, channel, stream, swale or drainageway, adequate provision shall be made for such surface drainage in, through and from such subdivision, including landscaped open channels and enclosed conduits of adequate size and grade to hydraulically accommodate maximum potential volumes of flow.
- (f) Trees shall be planted within the parkways in accord with plans approved and accepted by the Village Board.
- (g) Such other improvements and facilities specified by the Village Board which are required in the subdivision to properly service such subdivision with sewer, water, drainage and public access to, within and from such subdivision.

### (3) COSTS.

- (a) All of the foregoing improvements shall be installed by the Village solely at the cost of the subdivider, unless the Village Board agrees to pay for any part or all thereof as a legitimate expense for the general improvement of the Village.
- (b) The work for any such improvements shall be let by the Village by public bid pursuant to §62.15, Wis. Stats. Prior to advertising for bids the subdivider shall submit a preliminary development plan to the Village Board with a written request for the construction of specified improvements. Upon deposit by the subdivider with the Village of a sum equal to 10% of the cost of such specified improvements as estimated by the Village Engineer, the Village Board shall authorize the preparation of detailed plans and specifications for such improvements, which shall be submitted to all approving agencies, the Village Board and the subdivider for approval. Upon receipt of such approvals, the Village Board shall advertise for public bids. Prior to letting such contract, the subdivider shall deposit with the Village a sum equal to 120% of the lowest responsible bid, less any amounts previously paid as herein provided. If the subdivider does not deposit such sum within 20 days of written notice of the lowest responsible bid, the Village may deduct all administrative, engineering and legal costs incurred with respect to such proposed improvements from amounts deposited by the subdivider and pay the balance to the subdivider. The Village shall have no further liability to the subdivider with respect to such proposed improvements. If the subdivider deposits the required funds, the Village shall let the contract to the lowest responsible bidder. Upon completion of such contract the subdivider shall pay to the Village any additional contract costs over the original estimates, including 20% for engineering, attorneys and administrative expenses of the

Village with respect to such contract. The subdivider shall be paid by the Village any sums in excess of 120% if such final contract costs shall be less than originally estimated. Upon completion and acceptance by the Village, all such improvements shall become the property of the Village; provided, however that the subdivider shall be liable for the maintenance of all such improvements installed pursuant to this chapter for a period of one year following acceptance by the Village Board. The subdivider shall repair or replace any improvements found to be defective during such one year period of maintenance within 60 days after written notice of such defect having been given to the subdivider by the Village; provided, however, for cause shown the Village Board may extend such time for completing such maintenance work.

- (4) **TIME FOR COMPLETION.** All of the foregoing improvements shall be completed either within 2 yrs. after approval of the plat by the Village Board or prior to issuance of building permits upon 60% of the lots within such plat, whichever shall occur sooner. No building permits shall issue with respect to any lots within such plat fronting upon any road or street until all sanitary and storm sewers and water mains, including all appurtenances and street laterals to the lot lines, which are required to be installed in such road or street shall have been constructed with a temporary, passable road acceptable to the Village. The issuance of building permits for lots fronting on a temporary road shall not constitute a final acceptance of such road or street by the Village, nor shall any occupancy permits be issued for any such buildings unless and until such road or street has been finally accepted by the Village.
- (5) **BOND.** The subdivision control contract shall be accompanied by a cash or surety bond with sureties acceptable to the Village Board to guarantee that such improvements shall be installed and maintained in accordance with such contract and the ordinances of the Village within such period after the date of plat approval by the Village, as shall be provided in the subdivision control contract and this chapter.

#### **18.07 RESERVATIONS.**

In the design of a plat, due consideration shall be given by the subdivider and the Plan Commission to the reservation of suitable sites of adequate area for future schools, parks, playgrounds and other public purposes.



## **18.08 PLATS AND DATA.**

### **(1) PRELIMINARY PLAT.**

- (a) The preliminary plat shall be drawn with waterproof non-fading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of not more than 100' to an inch and shall be in sufficient detail and contain such information as will enable the Plan Commission to determine whether the design of the final plat will conform to this chapter.
- (b) The subdivider shall furnish the following supplementary information with this preliminary plat:
  - 1. A brief description of the improvements such as grading, paving, tree planting, installation of utilities which the subdivider proposes to make and the time when he proposes to make them.
  - 2. A brief description of the deed restrictions, if any, which will not be put on the plat.

### **(2) FINAL PLAT.**

- (a) A final plat of subdivided land shall comply with the requirements of §236.20, Wis. Stats., which is hereby adopted by reference.
- (b) The affidavits and certificates required by Ch. 236, Wis. Stats., shall be lettered or printed legibly with black durable ink or typed legibly with black ribbon on the final plat.

## **18.09 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS.**

- (1) Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this chapter, the Plan Commission may in lieu thereof order an assessor's plat to be made under §70.27, Wis. Stats., and may assess the cost thereof as provided in such section or to the subdivider.
- (2) Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this chapter to the extent that they may reasonably be applied.

**18.10 VARIANCES.**

When in the judgment of the Plan Commission it would be inappropriate to apply literally a provision of this chapter, because a subdivision is located outside of the corporate limits or because extraordinary hardship would result, it may waive or vary such provision so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the plat be waived.

**18.15 PENALTY.**

- (1) Any person who violates any provision of this chapter shall be subject to the penalty as provided in Section 25.04 of this Code. Each day a violation exists or continues shall constitute a separate offense.
- (2) In addition, the remedies provided by Ch. 236, Wis. Stats., shall be available to the Village.